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FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 184

On the status of names first published in volumes 1 to 11 of Martini (F. H. W.) and Chemnitz (J. H.), *Neues systematisches Conchylien-Cabinet*, Nürnberg, 1769-1795

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OPINION 184.

ON THE STATUS OF NAMES FIRST PUBLISHED IN VOLUMES 1 TO 11 OF MARTINI (F. H. W.) AND CHEMNITZ (J. H.), *NEUES SYSTEMATISCHES CONCHYLIEN-CABINET*, NÜRNBERG, 1769–1795.

SUMMARY.—For so long as generic names published by authors using a system of nomenclature, which, though not binominal, is of the type hitherto accepted as falling within the definition of binary nomenclature,¹ are accepted as complying with the requirements of Article 25 of the International Code, any new generic name published in volumes 1 to 11 of Martini (F. H. W.) and Chemnitz (J. H.), *Neues systematisches Conchylien-Cabinet*, Nürnberg, 1769–1795, is to be accepted as available nomenclatorially, provided that individually it satisfies the requirements of the International Code. Thus, in order to be available as a generic or subgeneric name, every such name (1) must be accompanied by an indication as defined in *Opinion* 1 or by a definition or by a description, (ii) if a name originally published before 1758, must satisfy the requirements of *Opinion* 5, (iii) must not have been used by Martini & Chemnitz as an intermediate term of the kind rejected by *Opinion* 124, and (iv) must have been published in the nominative singular (*Opinion* 183). No new specific or subspecific trivial name published in these volumes has any status in nomenclature. The position as respects generic names published in these volumes will need to be re-examined if later it is decided to reject generic names published by authors not applying the binominal system.

I.—THE STATEMENT OF THE CASE.

The present case was submitted to the International Commission on Zoological Nomenclature by Dr. D. L. Frizzell, Dr. A. Myra Keen and Dr. Hubert G. Schenck, Department of Geology,

¹ The question of the meaning to be attached to the term "binary nomenclature" is at present *sub judice* as it was expressly referred by the Twelfth International Congress of Zoology at its meeting held at Lisbon in 1935 to the International Commission on Zoological Nomenclature for deliberation and report. See paragraph (2) (i)–(iii) of the note reproduced in paragraph 5(b) of the present *Opinion* and 1943, *Bull. zool. Nomencl.* 1: 45, 55.

Stanford University, California, in the following letter dated 14th May 1935 :—

The undersigned students of the Mollusca feel that the International Commission on Zoological Nomenclature should render an *Opinion* on the following question :

Shall the names proposed by Chemnitz (1769–1795) stand?

It is agreed generally among conchologists that volumes later than volume eleven of the classic work of Martini and Chemnitz entitled "Conchylien Cabinet" contain names that are available. There is, however, no *Opinion* to cover Volumes I to II, inclusive, as far as we are aware.

The arguments in favour of accepting as available the names in Volumes I to II, inclusive, are as follows :

- (1) In many instances in these volumes, Chemnitz was both binary and binominal.
- (2) Other accepted authors, such as Bolten,² are not consistently binominal.
- (3) Because of his masterly presentation of data, many subsequent writers have referred to Chemnitz, and acceptance of his names would obviate much juggling of synonymy.
- (4) In Volume II, it is certain that he had accepted the Linnean system of nomenclature, and it is possible that he used it in earlier volumes.

The arguments against accepting Volumes I to II, inclusive, are as follows :—

- (1) Dall (1902 : 339) and others claim that Chemnitz is not consistently binominal in Volumes I to II, inclusive.
- (2) R. B. Stewart (1930 : 29) claims that *Opinion* 89³ might be an analogous case.
- (3) Acceptance would cause much label-changing.

² A comparison of the *Museum Boltenianum* (which in *Opinion* 96 has been accepted by the International Commission as available nomenclatorially) with Martini and Chemnitz shows that, unlike the latter, almost all the specific names used in the *Museum Boltenianum* consist of binominal combinations of generic and trivial names, as required by Article 2 of the International Code. Mr. R. Winckworth (London) has reported to the International Commission as follows (*in litt.*, 20th May 1944) :—

I examined every page of the *Museum Boltenianum* last night and found only 27 (out of 2,099) specific names, in which the trivial name was apparently two words. Most of these are phrases such as *Lambis pes pellicani* and *Serpula clava Herculis*, which are exactly paralleled by Linnaeus' *Bulla auris Midae* (1758, *Syst. Nat.* (ed. 10) 1 : 728) and *Cypraea caput serpentis* (1758, *ibid.* (ed. 10) 1 : 720), etc.; there are also a few adjectives, in which the component parts are printed apart as *Nerita nigro cincta* and *Cypraea quinque fasciata*; it seems reasonable in a book in which the printing is poor and many misprints occur to treat these names as equivalent to *Nerita nigrocincta* and *Cypraea quinquefasciata*. Two names only remain which seem to be really lapses from a binominal nomenclature, viz., *Nerita schmideliana sinistrorsa, fossilis* and *Nerita fascia lata* (nude).

³ In *Opinion* 89 the International Commission, acting under their plenary powers, suspended the rules in order to suppress six early zoological works. This action was taken without prejudice to the question whether any, or all, of these works were by authors who had not applied the principles of binary nomenclature and were therefore already invalid under proviso (b) to Article 25 of the International Code.

The literature covering the above case is as follows :—

- Martini, F. H. W., and Chemnitz, J. H., *Neues systematisches Conchylien-Cabinet*, vols. I–II, 1769–1795.
 Stewart, R. B., “Gabb’s California Cretaceous and Tertiary Type Lamelli-branches,” 1930, *Spec. Publ. Acad. nat. Sci. Philad.* 3 : 1–313, pls. 1–17.
 Bolten, J. F., *Museum Boltenianum*, Pars secunda, Hamburg, 1798.
 Dall, W. H., “Synopsis of the Family Veneridae and of the North American Recent species,” 1902, *Proc. U.S. nat. Mus.* 26 : 335–412.

II.—THE SUBSEQUENT HISTORY OF THE CASE.

2. The present case was communicated by Commissioner C. W. Stiles, Secretary to the Commission, to the members of the Commission for consideration in June 1935, with a suggestion that the Commission might find it possible to deal with the issues involved at their meeting due to be held at Lisbon in September of that year. This suggestion did not prove practicable and accordingly it was arranged that this case should be settled by correspondence.

3. In the following year a slightly different aspect of this case was raised in the following letter dated 23rd April 1936 from Miss Lois M. Schoonover, Palaeontological Research Institution, 126 Kelvin Place, Ithaca, New York :—

Would you please give me your opinion as to whether the names used by J. H. Chemnitz in the *Neues systematisches Conchylien-Cabinet*, vol. 6, 1782 and vol. 7, 1784, are valid *binominal* names? The particular references in question are as follows :—

Vol. 6, 1782, page 217. “*Mactra cygnea* testa triangulari, gibba, tumida, candida, antice quasi abscissa et truncata, leviter rugosa, ano cordiformi et tenuiter striato.”

Vol. 6, 1782, page 318. “*Venus divaricata* Guinaica, testa cordata, diversimode bifariam striata, antice striis transversalibus postice longitudinalibus, margine crenulato.”

Vol. 6, 1782, page 317. “*Venus divaricata*, teste cordata ex albo et fusco variegata, decussatim striata, striis a natibus bifariam ad utrumque latus divergentibus; rima lanceolata, oblitterata, ano ovata rufo, margine crenulato.”

Vol. 7, 1784, page 61. “*Venus plumbea* Oceani Australis ad littus Guineae novae nuper inventa, testa subcordata, valde crassa, convexa, ponderosa, cinerea, inaequilatera antice gibbosiore, parum effusa, subangulata, postice angustata et rotundata in superficie imprimis penes marginem ambitus et in unbonum apicibus concentricae seu arcuatim rugosa, parte intermedia ad splendorem usque glaberrima; . . .”

From these I most wish to know whether you would consider that “*Venus plumbea* Chemnitz” is to be accepted as binominal.

4. In June 1936, Commissioner Stiles, then Acting Secretary to the International Commission, invited the members of the Commission to vote on an *Opinion* declaring that, if new generic names were contained in volumes 1 to 11 of Martini and Chemnitz’s *Conchylien-Cabinet*, they were to be considered under the rules,

but that no new specific trivial name in those volumes was to be accepted. In amplification of this proposal, Commissioner Stiles added the following note :—

Dr. Bartsch and the Acting Secretary concur in the view that these volumes represent a typical instance of binary ⁴ but not binominal nomenclature, similar to the cases for which the rules were suspended in *Opinion* 89, namely, the authors designate genera by a single name but there is no consistency in the designation of the species, some of which are either intentionally or unintentionally binominal and others polynominal. Thus the authors use a binary system, naming two things, but are thoroughly inconsistent in the specific names.

It will be noticed that the volumes were published during the years of transition from the polynominal to the strictly binominal system.

Under this opinion if any new generic names occur, they must be considered nomenclatorially, but all new specific designations can be ignored.

If the application of the rules results in greater confusion than uniformity, it will be necessary for some one to request a suspension of the rules similar to action in *Opinion* 89. In examining the volumes, Dr. Bartsch did not notice any new generic names which would produce confusion.

5. In returning their votes on the proposed *Opinion*, only two Commissioners offered any special comments thereon :—

(a) *Comment by Commissioner Rudolf Richter*

Der *Opinion* wird nicht zugestimmt. Da die Gattungs- und Art-Namen den gleichen Nomenklatur-Regeln unterworfen sind, erscheint es widersinnig, in einem Werk nur die Gattungsnamen, nicht aber auch die Art-namen für yetfügbar zu erklären. Wie wir schon am 23. Juli 1935 ⁵ geschrieben, ist es empfehlens wert, *alle* in Martini & Chemnitz, 1769–1795 enthaltenen Namen zu *verwerfen*. Bei wichtigen Namen könnte von Fall zu Fall eine Suspension der Regeln erfolgen. In Gemeinschaft mit meinem Kollegen Dr. Mertens.

(b) *Comment of Commissioner Francis Hemming*

Jointly with Commissioners Jordan and Calman, I have carefully examined the copies of volumes 1–11 of the *Conchylien-Cabinet* of Martini and Chemnitz at the British Museum. The result of this examination may be summarised as follows :—

- (i) In these volumes the authors accept the concept of a 'genus' and that of a 'generic name' as those concepts are now understood, though in citing the names of species they sometimes omit the generic name.
- (ii) In none of these volumes do the authors use the Linnean system of binominal nomenclature.
- (iii) In some cases a species is cited under a binominal name but this is accidental in the sense that these authors clearly did not consider that a name, in order to be valid, must be formed in this way.

⁴ See footnote 1.

⁵ In the letter here referred to, Commissioner Richter had written :—
Es ist zu empfehlen, alle in Chemnitz, 1769–1795, enthaltenen Namen zu verwerfen, da das Werk nicht ganz eindeutig binär und binominal ist. Bei wichtigen Namen könnte von Fall zu Fall eine Suspension der Regeln erfolgen.

(iv) Martini and Chemnitz use a complicated system for grouping the species which they discuss. Names are given to groups of species within a given genus and these group-names are usually cited in the nominative plural, either with or without a qualifying adjectival phrase. Sometimes, however, these group-names are cited in the nominative singular as part of the names of species. The following are examples of these two latter types of case :—

- (a) In Volume 4 the species assigned to the genus *Buccinum* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 734, are divided into named groups of which one is called "*Buccina ore caniculato et rostrato Fusi.*" This group is itself divided into sub-groups, the second of which is called "*Fusi longi, clavicula longiore et rostro elongato.*" In the table given on p. 147 six species are placed in this sub-group. Of the names there used for these species, five are polynomial in form and one is binominal. For the first, third, fifth and sixth of these species, the word *Turris* is the first word used, while the word *Classicum* is the first word used for the second species and the word *Murex* is the first word used for the fourth species.
- (b) Volume 11 approaches much more closely to the binominal system than the earlier volumes and contains no cases such as that cited in (a) above. Nevertheless, in this volume also there are some group-names which might be mistaken for generic names. In the account, for example, of the genus *Helix* nearly all of the species are correctly cited with a name of which the first word is given as *Helix*. In two cases, however, this is not so. On p. 266, one species is given as '*Nux denticulata. Helix sinuata major*' and on p. 267 another is given as '*Gallina Sultana.*' Later, however, each of these species is correctly cited with the word *Helix* as the first word of its name, as '*Helix Nux denticulata, Helix sinuata major,*' and '*Helix Gallina Sultana.*'

(2) The conclusions to be drawn from the foregoing examination are as follows :—

- (i) Martini and Chemnitz should be regarded as having 'applied the principles of binary nomenclature' in volumes 1–11 of the *Conchylien-Cabinet*, if the meaning to be attached to that expression is the meaning adopted in *Opinion 20* rendered by the International Commission in the period 1908–1910 and published in 1910. Under this interpretation of the expression 'binary nomenclature,' any new generic name published by Martini and Chemnitz in these volumes is available nomenclatorially, provided that in other respects it satisfies the requirements of the Code; but no new specific trivial name published in those volumes is available nomenclatorially even if it is binominal in form.
- (ii) If, however, the expression 'binary nomenclature' is interpreted as having the same meaning as 'binominal nomenclature,' then Martini and Chemnitz in these volumes did not accept the principles of 'binary nomenclature' and in consequence new generic names published in these volumes fail to satisfy the requirements of proviso (b) to Article 25 of the International Code and therefore have no availability (hence no validity) in zoological nomenclature as from the date of being so published.
- (iii) The question which of the above interpretations of the expression 'binary nomenclature' is the correct interpretation of that expression is at present *sub judice*, since at Lisbon in 1935 it was expressly referred to the International Commission on Zoological

Nomenclature by the Twelfth International Congress of Zoology for deliberation and report. Until the International Commission submits its report and a decision on that report has been taken by the next (Thirteenth) International Congress of Zoology, no final decision can be given by the International Commission on the status of new generic names published in volumes 1-11 in the *Conchylien-Cabinet*. In these circumstances, clearly the only logical course for the International Commission to adopt in this case is to follow the precedent which they set at Lisbon in 1935 when dealing with the strictly analogous case of the *Introductio ad Historiam naturalem* published by Scopoli in 1777 (Lisbon Session, 4th Meeting, Conclusion 11),⁶ that is to say to take the line that, until a final decision has been taken on the question of the interpretation of the expression 'binary nomenclature,' any new generic name published in volumes 1-11 of the *Conchylien-Cabinet* of Martini and Chemnitz should be accepted, if otherwise available, but that this question should be re-examined if later it is decided to reject generic names published by authors not applying the binominal system.

- (iv) If in this case the Commission proceed as indicated in (iii) above, it will nevertheless be necessary to exercise considerable care in determining which are the generic (or sub-generic) names in volumes 1-11 of the *Conchylien-Cabinet* which may properly be regarded as satisfying the requirements of Article 25 of the Code. In this connection, it will be necessary to bear in mind the following considerations:—
- (a) no name has any status as a generic or sub-generic name, unless it is accompanied by an indication as defined in *Opinion 1*⁷ or a definition or a description;
 - (b) names originally published before 1758 only acquire status in nomenclature when, on being republished, they are re-enforced by being adopted or accepted by the author who republishes them (*Opinion 5*⁸);
 - (c) the mere citation in a post-1757 work of a bibliographical reference to a pre-1758 name confers no status upon that name (*Opinion 5*⁸);
 - (d) the inclusion in a synonymy given in a post-1757 work of a pre-1758 name confers no status upon a name so cited (*Opinion 5*⁸);
 - (e) where a not-strictly binominal author places an intermediate term between the generic name and the specific trivial name (as Linnaeus did in 1758 in some parts of the 10th edition of the *Systema Naturae*), no subgeneric status is thereby accorded to the intermediate term so used (*Opinion 124*);
 - (f) a generic or sub-generic name takes priority only from the date on which, for the first time, it is published in the nominative singular (*Opinion 183*⁹).

⁶ See 1943, *Bull. zool. Nomencl.* 1: 37-38. The case here referred to was concerned with the status of the name *Anguina* Scopoli, 1777 (Class Nematoda) and has since been dealt with by the International Commission in *Opinion 160*.

⁷ See NOTE 5 to *Opinion 1* (1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 1: 79-82).

⁸ See 1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 1: 115-126.

⁹ See 1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 3: 13-24.

- (v) In order to secure availability under Article 25, any manuscript generic name published by Martini and Chemnitz in volumes I-I I of the *Conchylien-Cabinet* will need to be accompanied by an indication (as defined in *Opinion 1*¹⁰) or by a definition or by a description.
- (vi) Of the points enumerated in (iv) above, point (a) eliminates all names for which no indication, definition or description is given; point (e) eliminates such names as *Nux* and *Gallina* (see paragraph I(b) above); and point (f) eliminates from consideration a name such as *Fusus* where that name is used as a group-name in the nominative plural only (see paragraph I(a) above).
- (vii) An inspection of volumes I-I I of the *Conchylien-Cabinet* suggests that, after the principles set out in (iv) above have been applied—as they must be—to any new generic or sub-generic name published in that work, the number of such names which will be found to be available under the Code will be very small.

6. By October 1936 a sufficient number of Commissioners had recorded their votes in favour of the proposed *Opinion* in order to secure its adoption as an *Opinion* of the Commission. The papers relating to the present case were among the first to be transferred from Washington to London after the election (on 6th October 1936) of Commissioner Hemming to be Secretary to the Commission and on 31st December 1936 Commissioner Hemming, acting in virtue of the powers conferred upon him in that behalf by Article 7 of the By-Laws, closed the ballot in this case.

III.—THE CONCLUSION REACHED BY THE INTERNATIONAL COMMISSION.

7. The decision taken by the Commission in the present case is:—

- (a) that, for so long as generic names published by authors using a system of nomenclature which, though not binominal, is of the type hitherto accepted as falling within the definition of binary nomenclature, are accepted as complying with the requirements of Article 25 of the International Code, any new generic name published in volumes I to I I of Martini (F. H. W.) and Chemnitz (J. H.) *Neues systematische Conchylien-Cabinet*, Nürnberg, 1769-1795, is to be accepted as available nomenclatorially, but that the position should be re-examined if later it is decided to reject generic names published by authors not applying the binominal system;
- (b) before a new name published by Martini and Chemnitz in the volumes referred to above is accepted as available as a generic or sub-generic name as from the date of such publication it will be necessary to establish that it satisfies the provisions of the Code in all respects, for example:
 - (i) that it was accompanied by an indication as defined in *Opinion 1* or a definition or description;
 - (ii) that, if a pre-1758 name, it complies with the provisions of *Opinion 5*;

¹⁰ See 1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature 1*: 73-86.

- (iii) that it was not used by Martini and Chemnitz as an intermediate term in the manner declared in *Opinion* 124 as affording no status as a sub-generic name as from the date on which it was so published;
 - (iv) that the name was published in the nominative singular (*Opinion* 183).
- (c) that, in view of the fact that Martini and Chemnitz did not apply the system of binominal nomenclature in the volumes referred to above, no specific or subspecific trivial name published therein has any status in nomenclature, even when such a name is published respectively as the second or third term in a binominal or trinominal combination.

8. The following ten (10) Commissioners voted in favour of the present *Opinion* :—

Calman; Chapman; Esaki; Fantham; Hemming; Jordan; Peters; Silvestri; Stiles; and Stone.

9. One (1) Commissioner, namely Commissioner Richter, voted against the present *Opinion*.

10. The following five (5) Commissioners did not vote on the present *Opinion* :—

Apstein; Bolivar y Pieltain; Cabrera; Pellegrin; and Stejneger.

11. At the time when the vote was taken on the present *Opinion* there were two vacancies in the membership of the Commission. These were due to the death of Commissioner Handlirsch and the resignation of Commissioner Horváth.

IV.—AUTHORITY FOR THE ISSUE OF THE PRESENT *OPINION*.

WHEREAS the By-Laws of the International Commission on Zoological Nomenclature provide that, except in cases involving the suspension of the rules, an *Opinion* is to be deemed to have been adopted by the said International Commission as soon as a majority of the Members of the Commission, that is to say ten (10) Members of the said Commission, have recorded their votes in favour thereof, provided that, where any proposed *Opinion* involves a reversal of any former *Opinion* rendered by the Commission, such proposed *Opinion* shall obtain the concurrence of at least fourteen Members of the Commission voting on the same before such *Opinion* is to be deemed to have been adopted by the Commission; and

WHEREAS the present *Opinion*, as set out in the summary thereof, neither requires, in order to be valid, the suspension of

the rules, nor involves a reversal of any former *Opinion* rendered by the Commission; and

WHEREAS ten (10) Members of the Commission have signified their concurrence in the present *Opinion* :

NOW, THEREFORE,

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, acting in virtue of all and every the powers conferred upon me in that behalf by reason of holding the said Office of Secretary to the International Commission, hereby announce the said *Opinion* on behalf of the International Commission, acting for the International Congress of Zoology, and direct that it be rendered and printed as *Opinion* Number One Hundred and Eighty Four (*Opinion* 184) of the said Commission.

In faith whereof I, the undersigned FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, have signed the present *Opinion*.

DONE in London, this fifteenth day of July, Nineteen Hundred and Forty Four, in a single copy, which shall remain deposited in the archives of the International Commission on Zoological Nomenclature.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING